

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6173 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

M R SAIYED

Appearance:

MR HARDIK C RAWAL for Petitioner
SERVED BY AFFIX.-(R) for Respondent No. 1

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 28/08/2000

ORAL JUDGEMENT

#. The petitioner seeks to challenge the award of

Industrial Tribunal, Bhavnagar whereby punishment imposed upon the respondent after a departmental inquiry is set aside.

#. The Learned Counsel for the petitioner submitted that as the respondent had given up his challenge to the legality of the departmental inquiry, the finding of the inquiry according to which respondent had been found negligent ought to have been upheld. On going through the impugned award it appears that the Labour Court has after appreciation of evidence and going through the record of the inquiry, reached the conclusion that it is not proved in any way that the intention of the respondent was to damage the bus or injured any passengers. It is also found that the petitioner has completely failed to show on the basis of any evidence how the respondent had been negligent. However, as submitted by the Learned Counsel, finding and award of the Labour Court is based on irrelevant consideration in so far as that the Labour Court has considered the aspect that no passenger has been examined during the course of inquiry.

#. The Learned Counsel appearing for the respondent has conceded that some punishment may be imposed upon the respondent but the punishment imposed by the petitioner is harsh in the facts and circumstances of the case. It is submitted that the recovery of the alleged amount of damage to the bus ought not to be enforced and the stoppage of increment ought not be with permanent effect as the same would amount to disproportionate punishment. In the facts and circumstance and on the basis of statement made by the respondent it appears that the ends of justice would be met if the impugned order is modified to the extent that no amount shall be recovered as damages from the respondent and 3 increments would be stopped without permanent effect. Accordingly the petition is partly allowed and the impugned order is modified to the aforesaid extent. Rule made absolute in terms as above with no order as to costs.

kks